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TO RUEHC/SECSTATE WASHDC PRIORITY 3992
INFO RUEHBJ/AMEMBASSY BEIJING 6329
RUEHGH/AMCONSUL SHANGHAI 0801
RUEHCN/AMCONSUL CHENGDU 1680
RUEHSH/AMCONSUL SHENYANG 5648
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RUEHHK/AMCONSUL HONG KONG 7561

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DEPT FOR AIT/W, EAP/TC, INR/EAP

FROM AIT KAOHSIUNG BRANCH OFFICE

E.O. 12958: N/A

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SUBJECT: Recount Ordered in Kaohsiung Mayoral Election

REF: 2006 Taipei 4125

¶1. Summary: Kaohsiung District Court judges have decided to accept defeated KMT mayoral candidate Huang Chun-ying's request to recount the ballots for the 2006 Kaohsiung City mayoral election. The recount will start on March 12 and conclude on March 19. Huang has been asked to submit a \$136,363 fee, which will be refunded if he is victorious in his lawsuit. A panel of judges will be appointed to reexamine the ballots. End summary.

¶2. In response to the lawsuit filed by defeated Kuomintang (KMT) mayoral candidate Huang Chun-ying (reftel), the Kaohsiung District Court ruled on February 1 that the ballots used in the 2006 Kaohsiung City mayoral election will have to be recounted. The recount is scheduled to start on March 12 and conclude on March 19. Any ballots deemed questionable during the recount will be examined by a panel of judges after March 19. A written ruling ordering the recount is expected to be released within a week.

¶3. The Judges who ruled on the case gave the following reasons for ruling in favor of the recount:

- an unusually large number of invalid votes (Note: 6,622 of the 767,862 votes were invalidated);
- a very narrow margin of victory (Kaohsiung City Mayor Chen Chu (DPP) won by 1,114 votes);
- the more than 4,000 votes identified as questionable by Huang exceed the margin of victory;
- Huang has identified more than 100 voting booths with potentially questionable votes (note: 839 total voting booths for the entire election).

¶4. In order to carry out the recount, the court has requested that Huang, the petitioner, deposit NTD4,500,000 (USD136,363) in an account with the court. The fee, the amount that the recount is estimated to cost, will be charged to the side that loses the lawsuit. A panel of judges will examine each ballot and determine whether or not a ballot is questionable; the three judges in charge of the case will then reexamine those ballots set aside by the panel of judges.

¶5. Huang praised the court's discretion and commended the independence of the judiciary. Mayor Chen expressed her disappointment with the ruling but said that she respects the court's decision. Mayor Chen added that Taiwan has elections every one or two years, and that it would be a waste of societal resources if every loser were allowed to request a recount.

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